

# Judge Watson Promptly Denies Motion for New Trial



DIFFERENT POSES OF  
HENRY CLAY BEATTIE JR.

formed the greatest blot on the escutcheon of Virginia. He read the "Dear Kid" letter. "The idea," he spoke out, "of a man writing that sort of letter to a woman of that kind, writing it in his own home, with his wife and baby by his side. He should not have forgotten that woman at his side. He should not have forgotten her side. He should not have forgotten motherhood; he should not have forgotten that power of creation and that love distinct in her, which is greater than all religion and all churches—and older than all. And he gives you a feeble excuse, that he took this other woman only for his desire. It is just understanding."

**His Wife's Sorrows.**  
"That lone mother, who came here and went upon the stand before you, tells you in a voice that rose scarcely above a whisper of the circumstances of her daughter's sorrows, of how she was weeping three weeks before she went down to her death. And that one mother, convicted Henry Beattie of violating his matrimonial vows. We id him basking in the glow of another woman's smile—and there is the ad of happiness. He was not fit for wife's embrace, and three weeks before she had repulsed him. He realized then that something had to occur, and the thing which did occur was the murder of this girl at the hands of a criminal husband."

"They tell you to let him go free, let him go free, and tell you that very unpunished murder takes something away from the security every man's life. Let this man go free, and say to Virginia: 'Go to the grave of Juvencus; go to the grave of McQue, and to the grave of Jeter Phillips; dig up their bodies and apologize to them, place a hand around each escutcheon of Virginia, to remain there through eternity.'"

**Mr. Carter Protests.**  
As he shrieked out the words, Mr. Carter arose with an objection to the language, and an exception was noted. Mr. Wendenburg went in almost without interruption.

"Let's see the aftermath of this time," he said. "The crime is over, and the Commonwealth has been trying to get evidence to help the jury determine who committed the crime. His young man knows that but one man being sent him to the electric chair. He knows but one woman who is the secret which will send him to the electric chair. The one is Paul Beattie, the innocent agent of his crime, and the other is Beulah Blanford, partner in his crime. These gentlemen of the defense, I tell their sophistry, can't explain the presence of this gun. Paul delivered a message to Beulah, and Henry told Paul to come back and tell him she said. And he is so anxious Douglas telephones that Henry is to see Paul. The boy goes to his cousin and begs that the cross be heavy for him to bear, and he says 'This thing looks black to me, sorry for you. And Henry says he wishes to God he hadn't done then he was thinking about Henry Beattie and about the relentless law. And then he uses these words: 'I love you. I love you. I love you. She married me for money.'"

**That Thursday Night.**  
"You want any more than that? The aid of the authorities—not thousands, as they have been piling—have more evidence. We Paul telephoned to that Thursday night. But Henry says at he telephoned to Paul in his life, why should he telephone this? He has no explanation to make in to tell the truth, he dare not. What reason could he have to take Paul for that first time in life, if not to get him to buy a gun and remain with him, and then get into the automobile and went to Richmond and got the gun. We prove by David Weinstein that gun was delivered a quarter after ten, and David was the biggest he ever appeared in a courtroom gentlemen, there is much more but there is no use for me to prove it. We have tried to do that. His Honor has done his duty. You must do your duty. O the world the convincing truth which is—"

that trial by jury is not a farce—that a Virginia jury can do its duty. Find Him Guilty."

"Do it, so that you can stand in the sight of God upright, and when your verdict reads: 'We, the jury, find the prisoner guilty of murder in the first degree,' remember that it is his heinous crime and that it is not you, but the law, which inflicts the just penalty."

"The defense has tried to win your sympathy for that gray-haired man. My heart goes out to him. He has my sympathy. But I saw that black-robed mother, and as I see no sign of sorrow in that man's life, I look on the other side. There is that little baby who never more will cling to its mother's breast—that breast now gone dry. No mother's arms will be placed around its neck, for the mother lies cold in her grave. There will be no mother to teach it to prattle out its little prayer, 'God bless my mamma, for its mother is gone to the great beyond, and its father is here. No, you must not forget that innocent little baby, and you must not forget that mother who lies now beneath the sod.'"

Mr. Wendenburg's voice broke, and tears streamed down his face. He bowed with him, and from far and near there was a gentle sound of weeping. A minister of the gospel, seated near the court, clasped his hands and moaned, "God help us." "Justice must be satisfied," said Mr. Wendenburg, recovering himself somewhat, and a broken law must be vindicated. Go, gentlemen of the jury, and render your decision so that the verdict of this State will be 'Well done, thou good and faithful servant.'"

## JURORS PRAYED FOR DIVINE HELP

(Continued From First Page.)

where thousands of people awaited the outcome.

The jury had for eleven days heard evidence, for two days speeches, but the words of Wendenburg rang in their ears as they left the courtroom to find their verdict.

"Let that man go free!" he cried. "What, let that man go free? Away the motherhood of Virginia, the womanhood of this nation, will shudder in error as the vitality of its life is threatened. Let this man go free! The man who basked in the degraded sunshine of another woman, while at his home a young wife nursed his child? Gentlemen, I merely ask you in the name of justice to do your duty."

**Vivid Picture Portrayed.**  
In vivid detail, the prosecutor portrayed the wife as she started on her innocent journey into the cool air of a summer night. The jury saw again in their minds the automobile in which she rode beside her husband, how Beattie stepped into the darkness of the thicket, found the shotgun which he had earlier concealed and deliberately slew his wife.

The desperate ride home with a bleeding and lifeless body crushed into the small space in the front part of the machine, the husband coldly sitting against the blood-covered head of his wife, were graphically detailed to the jury. Only passing attention was given by Wendenburg to the purchase of the gun by Paul Beattie, a cousin of the accused. The defense had claimed, he said, that on Paul's story alone was built the case of the prosecution, but he held aloft the blood-stained clothing of the prisoner, "as the mute evidence of the crime," and asked, "Do you want any other evidence?"

Blood decked the lower fringe of the shirt in deep black plots. Not a mark was on either sleeve of shirt or coat. The prisoner had said that he held his wife with one hand, and steered his car with the other, but the absence of blood on the arms, the prosecutor declared, gave the lie to his story. Not alone with the clothing did the prosecutor disentangle what he termed "the cheapest fabrication of the cheapest wh—"

murder," but he shouted shame at the prisoner for his relations with a mere slip of a girl, from the age of thirteen until within his own married life, and held her forth as the motive for the crime.

"And the prisoner admits that it was his passion," said Mr. Wendenburg. "Yes, it was passion, but passion born of the devil, and passion that sent to death his wife, so that he might continue his vicious pleasure."

**In Serious Consultation.**  
For fifty-eight minutes they were together in deep consultation, a jury of simple farmers, who each morning sang hymns and strove to forget the story of dissipation with its filthy chapters as related day after day on the witness stand. What had been

generally predicted was true—their minds were well made up before they left the courtroom. W. L. Burgess, a square jawed man, with an earnest face, was elected foreman. They halted, and it was no surprise, they afterwards declared, that all voted alike. They prayed that they might not take a life in vain, and they opened their consciences to one another for nearly an hour, so that they might go back to the courtroom firmly convinced of their duty and of one mind.

And in the court room sat Henry Clay Beattie, Jr., the sporting page of a newspaper spread before him. But he did not read long. He folded the paper, and concealed his face in it. Those who sat near the boy of iron nerve observed a move in twitching of his lips as though moving in prayer, as he sat with closed eyes awaiting the return of the jury. He raised his head for a moment, dropped the paper again and began reading. Then

he whispered a few words to his father and brother. It was for them he felt, and to them he counseled cheerfulness.

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"Have you gentlemen agreed on a verdict?" asked Judge Watson.

"We have," said Foreman Burgess.

"I have nothing to say," and sat down.

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ed a "hung jury," not acquittal nor conviction. The court requested the audience not to manifest its approval or disapproval, whatever the verdict. "And what is your verdict?" asked Judge Watson, turning again to Foreman Burgess.

"Guilty," answered Burgess, but his voice was swelled by the shout of eleven others.

Unversed in law or the forms of a murder trial, the jurymen had not specified what degree of murder. Asked what degree, Mr. Burgess answered "Guilty as indicted." Under Virginia practice murder is presumed to be second degree unless otherwise specified. It was incumbent upon the jury to fix the degree. So Judge Watson advised the jurymen to confer again on the point, and seven minutes later they conferred—this time with the verdict of "murder in the first degree."

The prisoner stood erect and motionless. His face, in color a yellowish green throughout the day, was immobile.

The light of a lamp cast a dreary shadow on his upturned chin as he faced the jury. His eyelids sagged, but did not blink. In steady gaze he fastened his eyes on the faces of the twelve men who had pronounced his punishment as if to penetrate their minds and determine the reason why. It was not a resentful expression, however, and when the court asked if the prisoner had anything to say he answered:

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own life, and that of the community in which he lived, by his sordid acts. When the trial first began, said Judge Watson, he had hoped that Virginia might be cleared of the crime for which not only the State felt shame, but which the entire country deprecated. He hoped that counsel would prove the defendant innocent, but the evidence, he regretted to note, was all convincing and overwhelming.

"The court," said Judge Watson, "has endeavored in all its decisions to lean toward the side of the prisoner, and in its charge to the jury as well as attempted to give the benefit of every doubt and every opportunity to establish his innocence. The rulings mostly have been not on matters of law, but on small questions of fact."

"You have had a fair and impartial trial, Mr. Beattie, and the jury has done what it considers its duty. Therefore, you have been convicted of murder in the first degree and on November 24, between the hours of sunrise and sunset you must forfeit your life to the community. May God have mercy on your soul."

A moment later by the side of his father, and his brother, Douglas, their heads bowed in grief, walked young Beattie in the darkness toward his cell a hundred yards away.

But the drama of the day was not over. A sharp report and a flash rent the thick blackness outside.

"My God!" he exclaimed, as through his mind flitted the same thought that startled hundreds around him. But it was not another tragedy. The prisoner was seen walking calmly on. The detonation was an unusually heavy charge of a photographer's flashlight.

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